

D/L 31
05.03.2025
Bpg.
ct.no.35

W.P.A.4173 of 2025

**Sri Shyamal Maity & Anr.
Versus
State of West Bengal & Ors.**

Mr. Amit Bikram Mahata
Mr. Samrat Kumar Mondal.
...for the petitioners.

Mr. Suman Ghosh
Mr. Siddhartha Ghosh.
...for the State-respondents.

Mr. Debajyoti Deb
Ms. Somdyuti Parekh.
...for the private respondents.

Affidavit-of-service filed by the petitioners be
kept with the record.

Petitioners are aggrieved by the fact that in
spite of informing the Inspector-in-Charge, Basanti
Police Station in respect of the threat and aggression
of the private respondents, no steps have been taken.

Learned advocate for the private respondents
submits that the issue relates to a family trust
property and temple over which all the family
members have their right. According to the private
respondents, the petitioners are trying to establish
their dominance over the said property without
obtaining authority of law.

Learned advocate for the petitioners disputes
the same and submits that the contentions advanced

by the private respondents are without any foundation and the records are in their possession to establish their right.

State has submitted a report. Report reflects that the police authorities have taken steps by maintaining peace and by way of drawing up proceedings under Sections 126/135(3) of the BNSS against the respondent nos.6 and 8.

I have considered the report submitted by the police authorities and the grievance of the petitioners in respect of the representation so made and the nature of the accusations contained therein. In case the petitioners are aggrieved by the steps already taken by the police authorities, the petitioners would be at liberty to approach the jurisdictional Magistrate under Section 175(3) of the BNSS. Learned Magistrate would on such an application firstly assess whether any cognizable offence has been made out and thereafter ascertain whether any case for investigation has been made out and then only pass necessary orders exercising his discretion adhering to the provisions of law. Police authorities are directed to continue the surveillance and ensure that no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 4173 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

Copy of the report be handed over to both the parties.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)